

Small Business Regulatory Review Board

MINUTES OF REGULAR MEETING

May 25, 2011

Conference Room 410 - No. 1 Capitol District Building, Honolulu, Hawaii

CALL TO ORDER: Chair Pang called the meeting to order at 10:44 a.m. with a quorum present.

MEMBERS PRESENT:

- Charles Au
- Bruce Bucky
- David De Luz Jr.
- Dorvin Leis
- Sharon Pang
- Richard Schnitzler
- Peter Yukimura

ABSENT MEMBER:

▪

STAFF: DBEDT
 Milton Kwock

Office of the Attorney General
Margaret Ahn

APPROVAL OF APRIL 20, 2011 MINUTES

Mr. Au made a motion to accept the April 20, 2011 minutes as circulated. Mr. De Luz seconded the motion and the Board members unanimously affirmed the motion.

OLD BUSINESS

A. Post public hearing statement on proposed repeal of Chapter 11-94, HAR, "Skilled Nursing/Intermediate Care Facilities," and adoption of new Chapter 11-94.1, HAR, "Nursing Facilities," which establishes minimum licensure standards for nursing facilities (DOH/OHCA)

Keith Ridley, Chief of the Department of Health's Office of Health Care Assurance briefed the Board on the results of the public hearing. Ms. Coral Andrew, Healthcare Association of Hawaii, attended the meeting in support of the adoption of OHCA's new rules. After OHCA met with industry stakeholders, several minor suggestions were recommended to add clarity to the language of the new rules and were incorporated into the amendments without having to go back to public hearing.

Mr. De Luz commented that the proposed new rules did not provide a timeline for the department to review and process applications, which left it up to the department to determine how long it would take to notify a business as to the completeness of their application. Non-responsiveness on the part of DOH could be detrimental to businesses waiting for the department's decision. In Mr. De Luz's opinion this could be addressed through policy rather than rule change. Mr. Au suggested a 90 day timeline. If the department does not notify a business that their application is not complete within 90 days, the application is considered complete. Mr. Ridley agreed that OHCA could acknowledge the completeness of an application within a set number of days. OHCA will communicate the new rules to all facilities once the Governor approves the rules for adoption. He acknowledged that the old rules have not been amended for quite a while. Coral Andrews commented that the members of the Healthcare Association of Hawaii welcome the new state standards.

Mr. Yukimura offered a motion in support of OHCA's request to the Governor to adopt the proposed amendments. He also added that the department should provide a timeline for notifying businesses of their applications' completeness in future rules amendments. Mr. Au seconded the motion and the Board voted unanimously in favor of the motion.

B. Update to industry request to have the Board review the status of proposed new rules to implement portions of Chapter 17-1737-41 and 1737-42, HAR, as it relates to certification and recertification of certified nurse aides. (Staff)

Staff reported that the Department of Human Services/Social Services Division would be reminded to submit their proposed new rules by the July meeting. The Board also wanted to know the process DHS/SSD went through to engage industry stakeholders while developing these new rules and to provide a list of stakeholders who participated in the process of drafting the new rules.

C. Update on the status of nominees to the Small Business Regulatory Review Board (Staff)

Staff reported that Tony Benabese, Manager of the Governor's Office of Boards and Commissions, was supposed to meet with the Governor to suggest the appointment of Howard West and Roland Sagum III to the Board.

Dorvin has two applicants in mind to fill the vacant Maui vacancy. Staff has forwarded applications for Dorvin to distribute. Applicant Elvira Lo has already been appointed to the Hawaii Strategic Development Corporation's board and is longer being considered.

D. Review and discussion of Chu Lan Schubert-Kwock's application to fill vacant Board position.

Chair Pang suggested that the Ms. Schubert-Kwock be invited to the June meeting to give the Board and Ms. Schubert-Kwock an opportunity to meet and discuss her application to fill the vacant Board position for Oahu.

NEW BUSINESS

A. Proposed amendments to Chapter 11-218, HAR, "Communication Access Services for Persons who are Deaf, Hard of Hearing, and Deaf-Blind," which establishes a continuing education program for sign language interpreters who receive the Hawaii Quality Assurance System (HQAS) credential, amends the HQAS testing fees and amends the length of time provision for sign language service assignments. (DOH/DCAB)

Kristine Pagano, Communication Access Specialist with the Department of Health's Disability and Communication Access Board briefed the board on the proposed amendments and its impact on sign language interpreters. Mr. De Luz suggested a change in the wording of the amendments, using "shall request" rather than "may request" to provide clarity to the issue of ... According to Ms. Pagano, the amendments would benefit sign language interpreters by providing better working conditions and an incremental fee increase for their services. The amendments were drafted with input from the industry including Hawaii Interpretation Services, the primary sign language interpreter referral service. The 17-member Disability and Communication Access Committee discussed and approved the proposed amendments.

While the Department of Health had already secured the Governor's approval to send the proposed amendments to public hearing before appearing before the Board, Mr. De Luz offered a motion in support of the Governor decision. Mr. Au seconded the motion and the Board voted unanimously in favor of the motion.

B. Proposed adoption of new Subchapter 11, "Standards of Practice, Care, and Ethics," relating to naturopaths, with two sections: Chapter 16-88-80, HAR, "Code of Ethics," which establishes a code of ethics for naturopathic physicians; Chapter 16-88-81, HAR, "Standards of Practice and Care," which establishes the standards of practice and care for naturopathic physicians. (DCCA/PVL)

Candace Ito, Executive Office of DCCA's Board of Naturopaths, briefed the Board on the proposed new sections to Chapter 16-88.

Mr. De Luz offered a motion in support of department's request to send the proposed new rules to public hearing. He also recommended that the department need not return to the Board after public hearing unless substantive changes were made to the new rules. Mr. Leis seconded the motion and the Board voted unanimously in favor of the motion.

REPORT FROM CHAIR - None

REPORT FROM BOARD MEMBERS - None

NEXT MEETING – Scheduled for Wednesday, June 15, 2011, 250 South Hotel Street, Honolulu, HI, Room 410. Date of meeting may change depending on members' availability.

ADJOURNMENT – The meeting adjourned at 1:15 pm.